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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**  
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9 A.P.F., on his own behalf and on behalf of his  
minor child on behalf of O.B. et al.,  
10 Plaintiffs,  
11 v.  
12 United States of America,  
13 Defendant.  
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No. CV-20-00065-PHX-SMB  
CV-19-05217-PHX-SRB  
**ORDER**

15 Plaintiff filed a Motion to Transfer this case to this Court on February 14, 2020  
16 citing LRCiv 42.1. The Plaintiffs are two fathers and their two children who were detained  
17 upon crossing the U.S.-Mexico border in Arizona in May 2018. The fathers were separated  
18 from their children based on a family separation policy then in effect which the Complaint  
19 alleges was intended to deter illegal immigration of parents and their minor children. This  
20 Court has pending before it *C.M. v. United States of America*, CV19-05217 involving five  
21 mothers and five children who were detained upon crossing the U.S.- Mexico border in  
22 Arizona in May 2018. The mothers were separated from their children based on a family  
23 separation policy then in effect which the Complaint alleges was intended to deter illegal  
24 immigration of parents and their minor children. Plaintiffs in CV19-05217-PHX-SRB have  
25 filed a Statement of Non-Opposition to the Motion to Transfer. The United States has filed  
26 a Response in opposition to transfer. Plaintiffs have replied and later supplemented their  
27 Reply to attach a Motion to Dismiss filed by the United States that is identical in significant  
28 parts to the Motion to Dismiss recently decided by this Court.

1       Plaintiffs argue that this case meets the relevant factors listed in LRCiv 42.1(a)  
2 favoring transfer. Specifically, Plaintiffs claim that this case arises from substantially the  
3 same events as the CV19-05217-PHX-SRB, that this case involves the same Defendant,  
4 and the same questions of law. Plaintiffs argue that having the cases heard by different  
5 judges would entail duplication of labor and that transfer will promote judicial economy.  
6 The United States' argues in its Response that none of the LRCiv 42.1(a) factors support  
7 transfer. This Court disagrees.

8       This Court has recently ruled on a Motion to Dismiss filed by the United States in  
9 CV19-05217-PHX-SRB. The arguments made by the United States of lack of subject  
10 matter jurisdiction are substantially identical to the arguments made in the Motion to  
11 Dismiss filed in this case. The claims brought in both cases are for negligence and  
12 intentional infliction of emotional distress arising out of the alleged actions of federal  
13 employees enforcing the family separation policy. Based on a review of the allegations in  
14 both Complaints and the causes of action pled, the Court finds that both cases involve  
15 substantially the same questions of law and would entail substantial duplication of labor if  
16 heard by different judges. Both cases also involve the enforcement of the same policy of  
17 family separation by federal employees in Arizona in May 2018. The Court believes that  
18 judicial economy will be served by transfer of these related cases.

19       The Court has consulted with the Judge to whom this case is assigned and she has  
20 no objection to transfer.

21       **IT IS ORDERED** granting Plaintiffs' Motion to Transfer. (Doc. 10 in CV20-00065  
22 and Doc. 21 in CV19-05217)

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1 IT IS FURTHER ORDERED that counsel shall use the case number CV20-00065-  
2 PHX-SRB for all further proceedings.  
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Dated this 13th day of April, 2020.

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8 Susan R. Bolton  
9 United States District Judge  
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13 cc: Chief Judge Snow  
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